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HOUSE BILL 3008 By
Newton

SENATE BILL 3080
By McNally

AN ACT to amend Tennessee Code Annotated, 55-10-416, relative to open container law.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-416 is amended by deleting the section in its entirety and by substituting instead the following:

55-10-416. OPEN CONTAINER LAW

(a)(1) It shall be unlawful for any person to possess any open alcoholic beverage container or to consume any alcoholic beverage in the passenger area of any motor vehicle (including possession or consumption by the driver of the vehicle) located on a public highway, or the right-of-way of a public highway, in this state.

(2) For purposes of this section:

(A) "Open container" means any container containing alcoholic beverages or beer, the contents of which are immediately capable of being consumed or the seal of which has been broken;

(B) A motor vehicle is in operation if its engine is operating, whether or not the motor vehicle is moving.

(C) Definition for "public highway or right-of-way of a public highway" means the entire width between the right-of-way boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(b) Nothing in this act shall prohibit:

(1) The possession of an open alcoholic beverage container in the glove compartment of a motor vehicle provided such compartment is locked;

(2) The possession of an open alcoholic beverage container in the area behind the last upright seat of a motor vehicle that is not equipped with a trunk; nor

(3) The possession of an open alcoholic beverage container in any area not normally occupied by the driver or a passenger in a motor vehicle that is not equipped with a trunk; nor

(4) The possession of an open alcoholic beverage container by an individual who is strictly a passenger and not the driver, in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation (such as buses, taxis, and limousines); nor

(5) The consumption of an alcoholic beverage by an individual who is strictly a passenger, and not the driver, in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation (such as buses, taxis, and limousines); nor

(6) The possession of an open alcoholic beverage container by an individual who is strictly a passenger, and not the driver, in the living quarters of a house coach or house trailer; nor

(7) The consumption of any alcoholic beverage by an individual who is strictly a passenger, and not the driver, in the living quarters of a house coach or house trailer.

(c)(1) A violation of this section is a Class C misdemeanor, punishable by a fine only.

(2) For a violation of this section, a law enforcement officer shall issue a citation in lieu of continued custody, unless the offender refuses to sign and accept the citation, as provided in § 40-7-118.

SECTION 2. This act shall take effect July 1, 2000, the public welfare requiring it.